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Exhibit A

Alleged Combination	Status of Defendants' Argument	Expert	Alleged Basis	Citation
NSM 1990 DIDS Oct. 1991	Asserted	Mr. Heberlein	DIDS paper "directs the reader to NSM 1990" so "NSM is incorporated into the text of each DIDS publication."	Heberlein Report at ¶ 152
Emerald 1997 NIDES 1994	Newly proffered ¹	Mr. Heberlein	Incorporation by Reference (but also allegedly including Intrusive Activity 1991) Incorporation by reference	Heberlein Report at ¶ 262-263; Ex. U
ISM 1992 DIDS Oct. 1991	Impropriety Expressly Conceded ²	Mr. Heberlein	Note: Dr. Staniford does not agree, opining instead that it would be obvious to combine NSM 1990 with DIDS Oct. 1991. See Staniford Report at 72	Heberlein Report, Ex. E
NSM 1990 DIDS Feb. 1991 DIDS Oct. 1991	Impropriety uncontested (opposition is silent) ³	Mr. Heberlein	Incorporation by Reference Note: Dr. Staniford does not agree, opining instead that it would be obvious to combine NSM 1990 with DIDS Oct. 1991. See Staniford Report at 72	Heberlein Report at ¶ 152; Ex. C
HP OpenView RFC 1155 RFC 1157 RFC 1213 RFC 1271	Impropriety Expressly Conceded ⁴	Mr. Heberlein	Incorporation by reference	Heberlein Report at ¶ 316; Ex. M.

¹ The contention actually raised in the expert report of Mr. Heberlein is that the combination of Emerald 1997, NIDES 1994 and a third reference, Intrusive Activity 1991, should all be treated as a single reference for purposes of "anticipation." As noted below, this 3-way incorporation has now been abandoned.

² But Defendants now raise the new contention that ISM 1992 allegedly "inherently" anticipates.

³ Defendants appear to have abandoned the original contention that all three papers, the two DIDS papers and the one re NSM can all together be treated as a single reference.

⁴ But Defendants now raise the new contention that HP OpenView "inherently" incorporates the disclosure of the RFCs.

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Alleged Combination	Status of Defendants' Argument	Expert	Alleged Basis	Citation
HP OpenView NetStalker	Impropriety Expressly Conceded⁵	Mr. Heberlein	Incorporation by Reference/ Both allegedly on sale prior to November 9, 1997, and could work together through SNMP traps	Heberlein Report at ¶ 328
Emerald 1997 NIDES 1994 Intrusive Activity 1991	Impropriety Expressly Conceded as to Emerald – Intrusive Activity	Mr. Heberlein	Emerald makes “explicit references” to NIDES 1994 and Intrusive Activity 1991	Heberlein Report, ¶ 264; Ex. U
DIDS Feb. 1991 DIDS Oct. 1991	Impropriety uncontested (opposition is silent)	Mr. Heberlein	No Basis Provided	Heberlein Tr. Vol. I at 120:1-121:25
ISM 1992 NSM 1990 NSM 1991 DIDS Feb. 1991 DIDS Oct. 1991	Impropriety uncontested (opposition is silent)	Mr. Heberlein	ISM makes “explicit direction to use DIDS”	Heberlein Report at ¶ 177
GrIDS 1996 GrIDS 1997	Impropriety uncontested (opposition is silent)	Mr. Heberlein	No Basis Provided	Heberlein Report at ¶ 209; Ex. F Heberlein Tr. Vol. I at 148:5-149:3
Ji-Nao Report Ji-Nao Slides	Impropriety uncontested (opposition is silent)	Mr. Heberlein	No Basis Provided	Heberlein Report at ¶ 215; Ex. G

⁵ But Defendants raise the new contention that NetStalker “inherently” anticipates.